

1 Randal R. Leonard, Esq.
2 Nevada Bar No. 006716
3 500 South 8th Street
4 Las Vegas, NV 89101
5 (702) 598-3667
6 Attorney for Debtor

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UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re:

JOSE L. PINA; MARIA L. PINA,
Debtors.

Case No.: BK-S-09-17787-BAM

Chapter 13

MOTION TO AVOID LIEN

Hearing Date: August 6, 2009

Hearing Time: 3:30 p.m.

COMES NOW Debtors JOSE L. PINA and MARIA L. PINA, by and through counsel,
Randal R. Leonard, Esq., and hereby moves that this Court enter an Order avoiding the lien in
second position against that property commonly known as 6812 Rolling Boulder Street, Las
Vegas, NV 89149 in favor of Beneficial. This Motion is based upon the pleadings and papers in
file herein and the Memorandum of Points and Authorities attached hereto.

Dated this 1st day of July, 2009.

Randal R. Leonard, Esq.

Randal R. Leonard, Esq.
Nevada Bar No. 006716
500 South 8th Street
Las Vegas, NV 89101
(702) 598-3667
Attorney for Debtor

MEMORANDUM OF POINTS AND AUTHORITIES

I.

STATEMENT OF THE FACTS

Debtor filed the instant matter on or about May 14, 2009. Rick Yarnall was duly appointed as the Trustee in this matter.

On or about June 27, 2006 Debtor purchased that certain real property commonly known as 6812 Rolling Boulder Street, Las Vegas, NV 89149 for a total purchase price of \$379,238.00. A true and correct copy of the deed transferring said property to Debtor is attached as Exhibit A. In order to purchase the above property, Debtor signed a Note secured by a Deed of Trust in first position in favor of US Bank. The total amount owing the 1st is \$365,129.19. Please see US Banks' mortgage statement attached hereto as Exhibit B. Debtor also signed a Note secured by a Deed of Trust in second position in favor of Beneficial as well. The total amount owing the 2nd is \$81,966.30. Please see Schedule D attached hereto as Exhibit C.

Debtor recently employed Vegas Valley Appraisers to appraise the subject property. The appraisal is attached as Exhibit D and was determined to be \$177,000.00. Therefore, because the Note in first position is owed approximately \$365,899.00 as according to the statement attached hereto as Exhibit B, the Note in second position held by Beneficial is wholly unsecured.

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II.

BENEFICIAL DOES NOT HAVE A SECURED CLAIM REGARDING THEIR LOAN IN SECOND POSITION

11 U.S.C. § 506(a) bifurcates a creditor's allowed secured claim into two parts: (1) secured to the extent of the value of the property to which the creditor's interest attached; and (2) unsecured to the extent the claim exceeds the value of the underlying property. Therefore, not all secured interests will be "secured claims" in bankruptcy cases. *In re Zimmer*, 313 F.3d 1220 (9th Cir. 2002). Additionally, the Zimmer case holds that if the value of the first lien secured by real property is more than the value of the property itself, then the second lien is wholly unsecured and may be stripped off. *Id.*

In this matter, US Bank holds the lien in first position against the Debtor's property commonly known as 6812 Rolling Boulder Street, Las Vegas, NV 89149. The principal balance owing to US Bank is \$365,899.00. Beneficial also holds a lien in second position against the above property and the principal balance owing on the second lien is \$81,966.30. Since the appraisal of the subject property is \$177,000.00 and is less than the amount owed to the first lien in this case held in favor of US Bank, then the second lien in favor of Beneficial is wholly unsecured and can be "stripped off."

III.

BENEFICIAL'S LIEN IN SECOND POSITION IS VOID

11 U.S.C. § 506(d) states in relevant part as follows:

- (d) To the extent that a lien secures a claim against the debtor that is not an allowed secured claim, such lien is void, unless-
- (1) such claim was disallowed only under section 502(b)(5) or 502(e) of this title; or
 - (2) such claim is not an allowed secured claim due only to the failure of any entity to file a proof of such claim under section 501 of this title.

1 As a result of the fact that Beneficial's lien in second position is not an allowed secured
2 claim under section 506(a), section 506(d) would therefore render the lien void.

3 IV.

4 **BENEFICIAL'S CONTRACT RIGHTS MAY BE MODIFIED**
5 **THROUGH DEBTOR'S CHAPTER 13 PLAN**

6 11 U.S.C. § 1322(b)(2) allows a debtor to modify the rights of secured claim holders
7 except those secured claim holders who have claims secured by the debtor's principal residence.
8 Nevertheless, the Zimmer case cited above allows a debtor to modify the rights of those claims
9 that are wholly unsecured even where the lien question is against the debtor's principal
10 residence.

11 In conclusion, Debtor respectfully requests that the Court allow the Debtor to treat
12 Beneficial's lien in second position as a wholly unsecured claim. Further, Debtor respectfully
13 requests that the Court enter an Order that Beneficial's lien in second position have no further
14 force or effect against that certain real property commonly known as 6812 Rolling Boulder
15 Street, Las Vegas, NV 89149.

16 Dated this 1st day of July, 2009.

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20 Randal R. Leonard, Esq.

21 Randal R. Leonard, Esq.
22 Nevada Bar No. 006716
23 500 South 8th Street
24 Las Vegas, NV 89101
25 (702) 598-3667
Attorney for Debtor

EXHIBIT A

20060627-0005670

Fee: \$17.00 RPTT \$1,935.45
1/10 Fee: \$0.00

06/27/2006 16:33:29
T20060:13736

Requestor:
LAND TITLE OF NEVADA

Frances Deane ADF
Clark County Recorder Pgs. 5

APN: 125-19-613-050

Recording Requested By:
Land Title of Nevada

Escrow No 14061605DL

When Recorded Mail Deed and Tax
Statement to:

Jose Pina
6812 Rolling Boulder St
Las Vegas, NV 89149

Documentary Transfer Tax \$ 1,935.45

XX

Computed on full value of property
conveyed, or

Computed on full value less liens and
encumbrances remaining thereon at
such time of sale

CORPORATION GRANT, BARGAIN, SALE DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledge, PARDEE HOMES OF NEVADA, a Nevada Corporation, formerly known as PARDEE CONSTRUCTION COMPANY OF NEVADA, a Nevada Corporation hereby grants, bargains, and sells to:

Jose Pina and Maria Pina, husband and wife as joint tenants

the following described property situated in the City of Las Vegas, County of Clark, State of Nevada:

INTEREST 1: Lot 50 of Block 2

The fee simple title to Lot 50 in Block 2 of the Final Map of Town Center Assemblage RPD5 55 No. 3 as shown by Map thereof recorded February 3, 2005 on file in Book 122 of Plats, Page 0023 in the Office of the County Recorder of Clark County, Nevada

EXCEPT all oil, asphaltum, petroleum, natural gas and other Hydrocarbons and any other valuable mineral substances and products, and all other minerals, whether or not of the same character hereinbefore generally described, in or under said land and lying and being at a vertical depth of 500 or more feet below the present natural surface of the ground, but without right of entry on the surface or within a vertical depth of 500 feet below the present natural surface of the ground.

INTEREST 2:

One membership in TOWN CENTER VILLAGES COMMUNITY ASSOCIATION, a Nevada nonprofit mutual benefit corporation, hereinafter called the "Association".

Grantees in accepting this deed and the conveyance hereunder do hereby agree, jointly and severally, for the benefit of Grantor and for the benefit of the Association and each and every one of the other members of said Association, that Grantees will promptly, fully and faithfully comply with and conform to the Declaration of Covenants, Conditions and Restrictions recorded as hereinafter set forth with the Office of the County Recorder of Clark County, Nevada, the By-laws of the Association and the Rules and Regulations from time to time prescribed thereunder by the Board of Directors of said Association or its officers and, in particular, Grantees do hereby agree, jointly and severally, promptly to pay in full any dues, fees or assessments levied by the Association.

The obligations of Grantees herein set forth shall be covenants running with the above-described real property, it being understood that said membership in the Association and the obligations thereof will automatically pass to Grantees' successors in title in the above-described real property whether such successors acquire title by foreclosure or otherwise, and shall be binding upon the Grantees above named, their heirs, devisees, executors, administrators, successors and assigns, provided that Grantees and their successors in title shall be bound by the foregoing covenants only as long as they, respectively, own title to the above-described property.

This Deed is made and accepted upon the easements, covenants, conditions and restrictions set forth in the Master Declaration of Covenants, Conditions, Restrictions and Reservation of Easements for Town Center Estates Community Association recorded on June 6, 2003 in Book 20030606 as Instrument No. 003083 in the Office of the County Recorder, Clark County, Nevada and any amendments thereto now or hereafter of record, all of which are incorporated herein by reference to said Declaration with the same effect as though fully set forth herein.

SUBJECT TO:

1. General and Special Taxes for the current Fiscal Year.
2. Covenants, Conditions and Restrictions, Reservations, Easements, Rights of Way, of record.

IN WITNESS WHEREOF, this instrument is executed this 7th day of

June, 2006

PARDEE HOMES OF NEVADA,
A Nevada Corporation

By Peggy Mirata
Peggy Mirata, Closing Coordinator

By Terri Hall
Terri Hall, Closing Coordinator

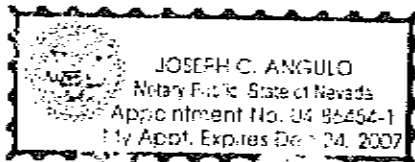
By Judith M. Foster
Judith M. Foster, Closing Coordinator

STATE OF NEVADA)
) SS.
COUNTY OF CLARK)

On 6-7-06 before me, Joseph C. Angulo a Notary Public in and for said County and State, personally appeared Peggy Mirata, Judith M. Fosler and Terri Hall as Authorized Signatories personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature Joseph C. Angulo



**STATE OF NEVADA
DECLARATION OF VALUE FORM**

1. Assessor's Parcel Number(s)

a) 125-19-613-050

b) _____

c) _____

d) _____

2. Type of Property:

- a) ☐ Vacant Land b) ☒ Single Fam. Res.
 c) ☐ Condo/Twnhse d) ☐ 2-4 Plex
 e) ☐ Apt. Bldg f) ☐ Comm'l/Ind'l
 g) ☐ Agricultural h) ☐ Mobile Home
☐ Other

**FOR RECORDER'S OPTIONAL USE
ONLY**

Book: _____

Page: _____

Date of Recording: _____

Notes: _____

3. Total Value/Sales Price of Property \$ 379,238.00
 Deed in Lieu of Foreclosure Only (value of property) \$
 Transfer Tax Value: \$ 379,238.00
 Real Property Transfer Tax Due \$ 1,935.45

4. If Exemption Claimed:

- a. Transfer Tax Exemption per NRS 375.080, Section
 b. Explain Reason for Exemption:

5. Partial Interest: Percentage being transferred: %

The undersigned declares and acknowledges under penalty of perjury, pursuant to NRS 375.060 and NRS 375.110, that the information provided is correct to the best of their information and belief, and can be supported by documentation if called upon to substantiate the information provided herein. Furthermore, the parties agree that disallowance of any claimed exemption, or other determination of additional tax due, may result in a penalty of 10% of the tax due plus interest at 1% per month. Pursuant to NRS 375.030, the Buyer and Seller shall be jointly and severally liable for any additional amount owed.

Signature: _____

Capacity: Seller/Grantor

Signature: _____

Capacity: Buyer/Grantee

SELLER (GRANTOR) INFORMATION
(Required)

Print Name: Pardee Homes of Nevada
 Address: 10880 Wilshire Blvd #1900
 City: Los Angeles
 State: CA 90024

BUYER (GRANTEE) INFORMATION
(Required)

Print Name: Jose Pina
 Address: 6812 Rolling Boulders
 City: Las Vegas
 State: NV 89149

COMPANY/PERSON REQUESTING RECORDING (required if not seller or buyer)

Print Name: LAND TITLE OF NEVADA, INC.
 Address: 720 S Seventh Street
 City: Las Vegas, Nevada 89101

Escrow #: 14061605-DL

**AN ADDITIONAL RECORDING FEE OF \$1.00 WILL APPLY FOR EACH DECLARATION OF
VALUE FORM PRESENTED TO CLARK COUNTY, EFFECTIVE JUNE 1, 2004**

5270

EXHIBIT B



Home Mortgage

OVERNIGHT DELIVERY:

U.S. Bank Home Mortgage
4801 Frederica Street
Owensboro, KY 42301

Mortgage Statement

Contact Information

24 Hour Automated Service: 1-800-365-7772

Customer Service Hours:

Monday - Friday, 7:00 a.m. - 8:00 p.m. CT

Hearing Impaired: 1-800-874-5563

Monday - Friday, 8:00 a.m. - 5:00 p.m. CT

Correspondence Address:

U.S. Bank Home Mortgage
P.O. Box 20005
Owensboro, KY 42304-0005

Overnight Payment Delivery Only:

U.S. Bank Home Mortgage
4801 Frederica Street
Owensboro, KY 42301

www.usbankhomemortgage.com

Statement Date

06/11/09

Payment Summary

SCHEDULED DUE DATE

07/01/09

We may contact you if payment is not received by scheduled due date.

LOAN DUE DATE

06/01/09

PAYMENT FACTORS

Principal & Interest	\$1,704.21
Tax	\$303.77
Insurance	\$52.83
PMI / MIP	\$147.90
PAYMENT AMOUNT DUE	\$2,208.71
Past Due Amount(s)	\$2,208.71
Unpaid Late Charge(s)	\$85.21
Return Item / Other Fee(s)	\$20.00

TOTAL AMOUNT DUE \$4,522.63

**IF PAID AFTER 07/16/09, PAY \$4,607.84

Payment processing cutoff time is 5:00 p.m. Central Time, Monday - Friday. ** Payments received after cutoff time will be applied to your account the next business day. Late charges may be assessed if payments are not received on time as specified in the terms of your mortgage agreement. ** Payments due on a weekend or legal holiday will not be assessed a late charge if received by cutoff time the following business day. Cutoff times may vary if choosing alternative payment options.

Loan Information

ACCOUNT NUMBER

6912014171

PROPERTY ADDRESS: 6812 ROLLING BOULDER
LAS VEGAS NV 89149

INTEREST RATE

4.750%

BALANCES

Principal (Not a Payoff Amount)	\$365,129.19
Escrow	\$1,076.08
Recoverable Corp Advance	(\$80.07)
Suspense Balance*	\$921.14

* The suspense balance is NOT deducted from the TOTAL AMOUNT DUE.

YEAR TO DATE

Interest Paid	\$4,342.01
Taxes Paid	\$911.32

SEE REVERSE SIDE FOR ADDITIONAL IMPORTANT INFORMATION

Transaction Activity

TRANSACTION DESCRIPTION	DUE DATE	TRANSACTION DATE	TOTAL RECEIVED	PRINCIPAL	INTEREST	ESCROW	OPT INS/ PRODUCT	SUBSIDY	SUSPENSE	FEES
Ins Disb	06/09	05/28/09				107.00-				
Payment	05/09	06/10/09	2208.71	257.89	1446.32	504.50				

IMPORTANT MESSAGES

Please be advised that we are aware of your Bankruptcy proceedings and this document is being provided for informational purposes only and should not be construed as a demand for payment. In addition, the contractual due date shown may not reflect the current due date under the terms of your bankruptcy plan. Post-petition payments scheduled for payment outside your plan should be paid on their normal due date.

EXHIBIT C

B6D (Official Form 6D) (12/07)

In re **Jose L. Pina,
Maria L. Pina**Case No. **09-17787**

Debtors

SCHEDULE D - CREDITORS HOLDING SECURED CLAIMS

State the name, mailing address, including zip code, and last four digits of any account number of all entities holding claims secured by property of the debtor as of the date of filing of the petition. The complete account number of any account the debtor has with the creditor is useful to the trustee and the creditor and may be provided if the debtor chooses to do so. List creditors holding all types of secured interests such as judgment liens, garnishments, statutory liens, mortgages, deeds of trust, and other security interests.

List creditors in alphabetical order to the extent practicable. If a minor child is a creditor, the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. §112 and Fed. R. Bankr. P. 1007(m). If all secured creditors will not fit on this page, use the continuation sheet provided.

If any entity other than a spouse in a joint case may be jointly liable on a claim, place an "X" in the column labeled "Codebtor", include the entity on the appropriate schedule of creditors, and complete Schedule H - Codebtors. If a joint petition is filed, state whether the husband, wife, both of them, or the marital community may be liable on each claim by placing an "H", "W", "J", or "C" in the column labeled "Husband, Wife, Joint, or Community".

If the claim is contingent, place an "X" in the column labeled "Contingent". If the claim is unliquidated, place an "X" in the column labeled "Unliquidated". If the claim is disputed, place an "X" in the column labeled "Disputed". (You may need to place an "X" in more than one of these three columns.)

Total the columns labeled "Amount of Claim Without Deducting Value of Collateral" and "Unsecured Portion, if Any" in the boxes labeled "Total(s)" on the last sheet of the completed schedule. Report the total from the column labeled "Amount of Claim" also on the Summary of Schedules and, if the debtor is an individual with primarily consumer debts, report the total from the column labeled "Unsecured Portion" on the Statistical Summary of Certain Liabilities and Related Data.

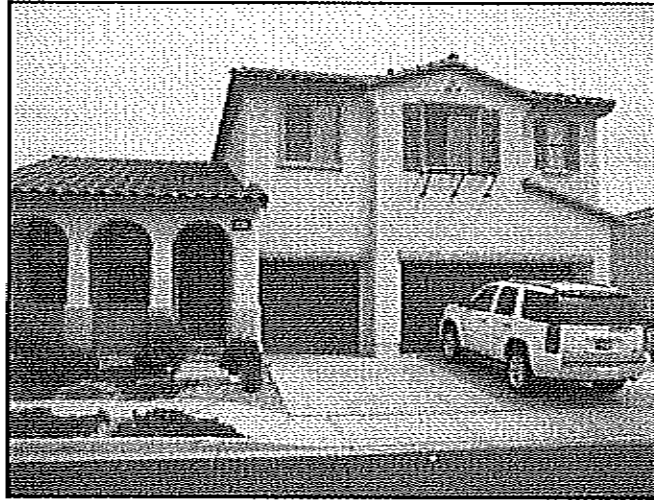
☐ Check this box if debtor has no creditors holding secured claims to report on this Schedule D.

CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions above.)	CODEBTOR H W J C	Husband, Wife, Joint, or Community	DATE CLAIM WAS INCURRED, NATURE OF LIEN, AND DESCRIPTION AND VALUE OF PROPERTY SUBJECT TO LIEN	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM WITHOUT DEDUCTING VALUE OF COLLATERAL	UNSECURED PORTION, IF ANY
Account No. xxxxxx6794			February of 2007					
Beneficial P.O. Box 5233 Carol Stream, IL 60197-5233	C		Deed of Trust 6812 Rolling Boulder Street					
			Value \$ 300,000.00				81,966.30	81,966.30
Account No. xxxx6721			Opened 9/22/07 Last Active 3/30/09					
Chase Auto 14800 Frye Road Fort Worth, TX 76155	C		Security Agreement 2007 GMC Yukon Denali					
			Value \$ 25,000.00				39,281.00	14,281.00
Account No. xxxxxxxxxx4171			Opened 6/27/06 Last Active 8/11/08					
Us Bk Hm Mtg 777 E Wisconsin Milwaukee, WI 53202	C		First Mortgage 6812 Rolling Boulder Street					
			Value \$ 300,000.00				365,899.00	65,899.00
Account No.								
			Value \$					
Subtotal (Total of this page)							487,146.30	162,146.30
Total (Report on Summary of Schedules)							487,146.30	162,146.30

0 continuation sheets attached

EXHIBIT D

Broker	n/a	File No.	VVA101
Property Address	6812 Rolling Boulder Street		
City	Las Vegas	County	Clark
		State	NV
		Zip Code	89149-1649
Client	Maria & Jose Pina		



04/14/2009

6812 Rolling Boulder Street
 Town Center Assemblage RPD5 55 #3 Part Book 122 Page 23 Lot 50 Block 2
 Las Vegas, NV 89149-1649

n/a
 6512 Rolling Boulder Street
 Las Vegas, NV 89131

GP Residential	1
GP Residential Certifications Addendum	4
Market Conditions Addendum to the Appraisal Report	6
Market Area Trend	7
Subject Photos	8
Photograph Addendum	9
Comparable Photos 1-3	13
Location Map	11
Plot Map	12
Building Sketch (Page - 1)	13
Invoice	14

Shawn Kinney

File No. WA101 Page #1

RESIDENTIAL APPRAISAL SUMMARY REPORT

File No: VVA101

Property Address: 6812 Rolling Boulder Street		City: Las Vegas		State: NV Zip Code: 89149-1649	
County: Clark		Legal Description: Town Center Assemblage RPD5 55 #3 Flat Block 122 Page 23 Lot 50 Block 2			
Assessor's Parcel #: 125-19-613-050					
Tax Year: 2009 R.E. Taxes: \$ 3,645.27		Special Assessments: \$ 0		Borrower (if applicable): n/a	
Current Owner of Record: Pina		Occupant: <input checked="" type="checkbox"/> Owner		Tenant: <input type="checkbox"/> Vacant <input type="checkbox"/> Manufactured Housing	
Project Type: <input type="checkbox"/> FUD <input type="checkbox"/> Condominium <input type="checkbox"/> Cooperative <input checked="" type="checkbox"/> Other (describe) H.O.A.		H.O.A. \$ 47.00		<input type="checkbox"/> per year <input checked="" type="checkbox"/> per month	
Market Area Name: Town Center Assemblage RPD5 55		Map Reference: 22-B1		Census Tract: 0032.03	
The purpose of this appraisal is to develop an opinion of: <input checked="" type="checkbox"/> Market Value (as defined) or <input type="checkbox"/> other type of value (describe):					
This report reflects the following value (if not current, see comments): <input checked="" type="checkbox"/> Current (the inspection date is the Effective Date) <input type="checkbox"/> Retrospective <input type="checkbox"/> Prospective					
Approaches developed for this appraisal: <input checked="" type="checkbox"/> Sales Comparison Approach <input type="checkbox"/> Cost Approach <input type="checkbox"/> Income Approach (See Reconciliation Comments and Scope of Work)					
Property Rights Appraised: <input checked="" type="checkbox"/> Fee Simple <input type="checkbox"/> Leasehold <input type="checkbox"/> Leased Fee <input type="checkbox"/> Other (describe):					
Intended Use: Market Value for the use in Bankruptcy Court.					
Intended User(s) (by name or type): Maria & Jose Pina, Randal R. Lenard Attorney At Law.					
Client: Maria & Jose Pina		Address: 6812 Rolling Boulder Street, Las Vegas, NV 89149-1649			
Appraiser: Shawn Kinney		Address: 5604 Distant Drum, North Las Vegas, NV 89081			
Location: <input checked="" type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban <input type="checkbox"/> Rural		Predominant Occupancy: <input checked="" type="checkbox"/> One-Unit Housing		Present Land Use: <input checked="" type="checkbox"/> One-Unit	
Building: <input checked="" type="checkbox"/> Over 75% <input type="checkbox"/> 25-75% <input type="checkbox"/> Under 25%		PRICE: \$500K		AGE: 1	
Growth rate: <input type="checkbox"/> Rapid <input checked="" type="checkbox"/> Stable <input type="checkbox"/> Slow		155 Low		1 Multi-Unit	
Property values: <input type="checkbox"/> Increasing <input checked="" type="checkbox"/> Stable <input type="checkbox"/> Declining		468 High		11 Comm'l	
Demand/supply: <input type="checkbox"/> Shortage <input type="checkbox"/> In Balance <input checked="" type="checkbox"/> Over Supply		210 Pred		4 Other	
Marketing time: <input type="checkbox"/> Under 3 Mos. <input checked="" type="checkbox"/> 3-6 Mos. <input type="checkbox"/> Over 6 Mos.		<input checked="" type="checkbox"/> Vacant (> 5%)		<input type="checkbox"/> In Process *	
Market Area Boundaries, Description, and Market Conditions (including support for the above characteristics and trends): Market Area boundaries are Grand					
Terrain Drive on the North, 215 on the South, I-85 on the East, and Vacant Land on the West.					
The subject's market area declined approx. 23.6% from 04/2008-02/2009 based on a value trend of comparable properties. New construction activity has slowed as REO properties increased in the market. Out of 51 comparable sales, 60% were listed as bank owned/short sales and out of 37 comparable listings, 70% were listed as bank owned/short sales. Market concession ranging from 0-6%, with a mean of 2%.					
Currently 37 comparable homes listed for sale, 9 are in contract and 19 are listed as vacant in the subject's market area. Unemployment rate for Las Vegas March 09 was +0.4% up 5.2% from last year. Job growth is down 4.7%. U.S. average unemployment rate as of March 09 was 18.5% which is up 3.4% from last year.					
Zoning (or): none given see plat map					
Zoning Classification: R-PD5		Site Area: 0.14 S.F. +/- per Clark County Assessor			
(R-PD5)		Description: Residential Planned Development District			
Are CCARs applicable? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown		Zoning Compliance: <input checked="" type="checkbox"/> Legal <input type="checkbox"/> Legal nonconforming (grandfathered) <input type="checkbox"/> Illegal <input type="checkbox"/> No zoning			
Have the documents been reviewed? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Grand Rent (if applicable): \$ /			
Highest & Best Use as improved: <input checked="" type="checkbox"/> Present use, or <input type="checkbox"/> Other use (explain):					
Actual Use as of Effective Date: single family residential Use as appraised in this report: single family residential					
Summary of Highest & Best Use: Highest and best is as developed, single family residential					
Utilities: Public Other Provider/Descriptor					
Electricity: <input checked="" type="checkbox"/> typical for area		Off-site Improvements: Street: asphalt		Public Private	
Gas: <input checked="" type="checkbox"/> typical for area		Curb/Gutter: n/a		Topography: flat	
Water: <input checked="" type="checkbox"/> typical for area		Sidewalk: n/a		Size: .14 +/- Acre.	
Sanitary Sewer: <input checked="" type="checkbox"/> typical for area		Street Lights: n/a		Shape: Interior/rectangular	
Storm Sewer: <input checked="" type="checkbox"/> typical for area		Aike: n/a		Drainage: typical	
Other site elements: <input checked="" type="checkbox"/> Inside Lot <input type="checkbox"/> Corner Lot <input type="checkbox"/> Cul-de-Sac <input checked="" type="checkbox"/> Underground Utilities <input type="checkbox"/> Other (describe):		View: neighborhood			
FEMA Special Flood Hazard Area: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No FEMA Flood Zone: X FEMA Map # 32003C1745E FEMA Map Date: 9/27/2002					
Site Comments: Typical site improvements for the area.					
General Description		Exterior Description		Foundation	
# of Units: 1 <input type="checkbox"/> Attached		Foundation: concrete slab		Sub: concrete	
# of Stories: 2		Exterior Walls: frame stucco		Crawl Space: n/a	
Type: <input checked="" type="checkbox"/> Det. <input type="checkbox"/> Apt. <input type="checkbox"/>		Roof Surface: concrete tile		Basement: n/a	
Design (Style): traditional 2-story		Gutters & Downspouts: metal		Sump Pump: n/a	
<input checked="" type="checkbox"/> Existing <input type="checkbox"/> Proposed <input type="checkbox"/> Undeveloped		Window Type: double pane		Dampness: n/a	
Actual Age (Yrs.): 3		Storm Screens: woven mesh		Settlement: none visible	
Effective Age (Yrs.): 2				Infiltration: none visible	
Interior Description		Appliances		Basement	
Floors: tile-carpet/wood		Refrigerator: <input checked="" type="checkbox"/> Range/Oven: <input checked="" type="checkbox"/> Dishwasher: <input checked="" type="checkbox"/> Fan Hood: <input checked="" type="checkbox"/> Microwave: <input checked="" type="checkbox"/> Washer/Dryer: <input checked="" type="checkbox"/> Finish: <input checked="" type="checkbox"/>		Area Sq. Ft.: n/a	
Walls: drywall/good		Attic: <input type="checkbox"/> Full <input type="checkbox"/> Partial		Type: n/a	
Trim/Finish: wood/paint/good		Stairs: <input checked="" type="checkbox"/> Drop Stair: <input type="checkbox"/> Scuttle: <input checked="" type="checkbox"/> Doorway: <input checked="" type="checkbox"/> Floor: <input checked="" type="checkbox"/> Fenced: <input type="checkbox"/> Feet: n/a		Fuel: n/a	
Bath Floor: tile/good		Amenities		Heating: n/a	
Bath Walls: fiberglass/good		Fireplace(s): # n/a		Type: gas	
Bath Windows: n/a		Woodstove(s): #		Cooling: Central X	
Doors: h/o low core/good		Deck: n/a		Other: n/a	
		Patio: open		Car Storage: None	
		Porch: covered		Garage: # of cars: 3 Tot.	
		Fence: concrete block		Attach: n/a	
		Fence: n/a		Detach: n/a	
				Bk. # 3 Cars	
				Carpenter: n/a	
				Driveway: x 3-cars	
				Surface: concrete	
Finished area above grade contains: 8 Rooms 4 Bedrooms 3 Bath(s) 2,413 Square Feet of Gross Living Area Above Grade					
Additional features: tile flooring, intercom, tile kitchen counters, and a finished garage with an automatic door opener.					
Describe the condition of the property (including physical functions and external obsolescence): The improvements are noted to be in good condition with no physical, functional or external inadequacies noted. The subject's effective age is based on the current condition of the house as of the inspection date. The subject's roof appears to be in good condition, with no visible damage from the street. Utilities were on.					

File No.: VVA10†

GP RESIDENTIAL

File No.: VVA101

GP RESIDENTIAL

Assumptions, Limiting Conditions & Scope of Work

File No: VWA101

Property Address: 6812 Rolling Boulder Street	City: Las Vegas	State: NV	Zip Code: 89149-1649
Client: Maria & Jose Pina	Address: 6812 Rolling Boulder Street, Las Vegas, NV 89149-1649		
Appraiser: Shawn Kinney	Address: 5504 Distant Drum, North Las Vegas, NV 89001		

STATEMENT OF ASSUMPTIONS & LIMITING CONDITIONS

- The appraiser will not be responsible for matters of a legal nature that affect either the property being appraised or the title to it. The appraiser assumes that the title is good and marketable and, therefore, will not render any opinions about the title. The property is appraised on the basis of it being under responsible ownership.
- The appraiser may have provided a sketch in the appraisal report to show approximate dimensions of the improvements, and any such sketch is included only to assist the reader of the report in visualizing the property and understanding the appraiser's determination of its size. Unless otherwise indicated, a Land Survey was not performed.
- If so indicated, the appraiser has examined the available flood maps that are provided by the Federal Emergency Management Agency (or other data sources) and has noted in the appraisal report whether the subject site is located in an identified Special Flood Hazard Area. Because the appraiser is not a surveyor, he or she makes no guarantees, express or implied, regarding this determination.
- The appraiser will not give testimony or appear in court because he or she made an appraisal of the property in question, unless specific arrangements to do so have been made beforehand.
- If the cost approach is included in this appraisal, the appraiser has estimated the value of the land in the cost approach at its highest and best use, and the improvements at their contributory value. These separate valuations of the land and improvements must not be used in conjunction with any other appraisal and are invalid if they are so used. Unless otherwise specifically indicated, the cost approach value is not an insurance value, and should not be used as such.
- The appraiser has noted in the appraisal report any adverse conditions (including, but not limited to, needed repairs, depreciation, the presence of hazardous wastes, toxic substances, etc.) observed during the inspection of the subject property, or that he or she became aware of during the normal research involved in performing the appraisal. Unless otherwise stated in the appraisal report, the appraiser has no knowledge of any hidden or unapparent conditions of the property, or adverse environmental conditions (including, but not limited to, the presence of hazardous wastes, toxic substances, etc.) that would make the property more or less valuable, and has assumed that there are no such conditions and makes no guarantees or warranties, express or implied, regarding the condition of the property. The appraiser will not be responsible for any such conditions that do exist or for any engineering or testing that might be required to discover whether such conditions exist. Because the appraiser is not an expert in the field of environmental hazards, the appraisal report must not be considered as an environmental assessment of the property.
- The appraiser obtained the information, estimates, and opinions that were expressed in the appraisal report from sources that he or she considers to be reliable and believes them to be true and correct. The appraiser does not assume responsibility for the accuracy of such items that were furnished by other parties.
- The appraiser will not disclose the contents of the appraisal report except as provided for in the Uniform Standards of Professional Appraisal Practice, and any applicable federal, state or local laws.
- If this appraisal is indicated as subject to satisfactory completion, repairs, or alterations, the appraiser has based his or her appraisal report and valuation conclusion on the assumption that completion of the improvements will be performed in a workmanlike manner.
- An appraiser's client is the party (or parties) who engage an appraiser in a specific assignment. Any other party acquiring this report from the client does not become a party to the appraiser-client relationship. Any persons receiving this appraisal report because of disclosure requirements applicable to the appraiser's client do not become intended users of this report unless specifically identified by the client at the time of the assignment.
- The appraiser's written consent and approval must be obtained before this appraisal report can be conveyed by anyone to the public, through advertising, public relations, news, sales, or by means of any other media, or by its inclusion in a private or public database.
- An appraisal of real property is not a "home inspection" and should not be construed as such. As part of the valuation process, the appraiser performs a non-invasive visual inventory that is not intended to reveal defects or detrimental conditions that are not readily apparent. The presence of such conditions or defects could adversely affect the appraiser's opinion of value. Clients with concerns about such potential negative factors are encouraged to engage the appropriate type of expert to investigate.

The Scope of Work is the type and extent of research and analyses performed in an appraisal assignment that is required to produce credible assignment results, given the nature of the appraisal problem, the specific requirements of the intended user(s) and the intended use of the appraisal report. Reliance upon this report, regardless of how acquired, by any party or for any use, other than those specified in this report by the Appraiser, is prohibited. The Opinion of Value that is the conclusion of this report is credible only within the context of the Scope of Work, Effective Date, the Date of Report, the Intended User(s), the Intended Use, the stated Assumptions and Limiting Conditions, any Hypothetical Conditions and/or Extraordinary Assumptions, and the Type of Value, as defined herein. The appraiser, appraisal firm, and related parties assume no obligation, liability, or accountability, and will not be responsible for any unauthorized use of this report or its conclusions.

Additional Comments (Scope of Work, Extraordinary Assumptions, Hypothetical Conditions, etc.):

Certifications

File No: VVA101

Property Address: 6812 Rolling Boulder Street	City: Las Vegas	State: NV	Zip Code: 89149-1649
Client: Maria & Jose Pina	Address: 6812 Rolling Boulder Street, Las Vegas, NV 89149-1649		
Appraiser: Shawn Kinney	Address: 5604 Distant Drum, North Las Vegas, NV 89081		

APPRAISER'S CERTIFICATION

I certify that, to the best of my knowledge and belief:


- The statements of fact contained in this report are true and correct.
- The credibility of this report, for the stated use by the stated user(s), of the reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.
- I have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved.
- I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
- My engagement in this assignment was not contingent upon developing or reporting predetermined results.
- My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- My analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice that were in effect at the time this report was prepared.
- I did not base, either partially or completely, my analysis and/or the opinion of value in the appraisal report on the race, color, religion, sex, handicap, familial status, or national origin of either the prospective owners or occupants of the subject property, or of the present owners or occupants of the properties in the vicinity of the subject property.
- Unless otherwise indicated, I have made a personal inspection of the property that is the subject of this report.
- Unless otherwise indicated, no one provided significant real property appraisal assistance to the person(s) signing this certification.

Additional Certifications:**DEFINITION OF MARKET VALUE ***

Market value means the most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

1. Buyer and seller are typically motivated;
2. Both parties are well informed or well advised and acting in what they consider their own best interests;
3. A reasonable time is allowed for exposure in the open market;
4. Payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and
5. The price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.

* This definition is from regulations published by federal regulatory agencies pursuant to Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act (FIRREA) of 1989 between July 5, 1990, and August 24, 1990, by the Federal Reserve System (FRS), National Credit Union Administration (NCUA), Federal Deposit Insurance Corporation (FDIC), the Office of Thrift Supervision (OTS), and the Office of Comptroller of the Currency (OCC). This definition is also referenced in regulations jointly published by the OCC, OTS, FRS, and FDIC on June 7, 1994, and in the Interagency Appraisal and Evaluation Guidelines, dated October 27, 1994.

Client Contact: Maria Pina	Client Name: Maria & Jose Pina
E-Mail: us52523@yahoo.com	Address: 6812 Rolling Boulder Street, Las Vegas, NV 89149-1649
APPRAISER	SUPERVISORY APPRAISER (if required) or CO-APPRAISER (if applicable)
 Appraiser Name: Shawn Kinney Company: Vegas Valley Appraisers Phone: (702) 951-7573 Fax: (702) 951-5579 E-Mail: shawn@vegasvalleyappraisers.com Date Report Signed: April 21, 2009 License or Certification #: A0007562-CR State: NV Designation: N/A Expiration Date of License or Certification: 10/31/2009 Inspection of Subject: <input checked="" type="checkbox"/> Interior & Exterior <input type="checkbox"/> Exterior Only <input type="checkbox"/> None Date of Inspection: 04/14/2009	Supervisory or Co-Appraiser Name: _____ Company: _____ Phone: _____ Fax: _____ E-Mail: _____ Date Report Signed: _____ License or Certification #: _____ State: _____ Designation: _____ Expiration Date of License or Certification: _____ Inspection of Subject: <input type="checkbox"/> Interior & Exterior <input type="checkbox"/> Exterior Only <input type="checkbox"/> None Date of Inspection: _____

GP RESIDENTIAL

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S2337

Market Conditions Addendum to the Appraisal Report

File No. VVA101

The purpose of this addendum is to provide the lender/client with a clear and accurate understanding of the market trends and conditions provided in the subject neighborhood. This is a required addendum for all appraisal reports with an effective date on or after April 1, 2009.

Property Address: 6842 Rolling Boulder Street City: Las Vegas State: NV ZIP Code: 89149-1649

Brokerage: n/a

Instructions: The appraiser must use the information required on this form as the basis for his/her conclusions, and must provide support for those conclusions regarding housing trends and overall market conditions as reported in the Neighborhood section of the appraisal report form. The appraiser must fill in all the information to the extent it is available and reliable and must provide analysis as indicated below. If any required data is unavailable or is considered unreliable, the appraiser must provide an explanation. It is recognized that not all data sources will be able to provide data for the shaded areas below, if it is available, however, the appraiser must include the data in the analysis. If data sources provide the required information as an average instead of a median, the appraiser should report the available figure and identify it as an average. Sales and listings must be properties that concern the subject property, determined by applying the criteria that would be used by a prospective buyer of the subject property. The appraiser must explain any anomalies in the data, such as seasonal markets, new construction, foreclosures, etc.

Inventory Analysis	Prior 7-12 Months	Prior 4-6 Months	Current - 3 Months	Overall Trend		
Total # of Comparable Sales (Setback)	37	8	6	<input type="checkbox"/> Increasing	<input type="checkbox"/> Stable	<input checked="" type="checkbox"/> Declining
Absorption Rate (Total Sales/Months)	6.2	2.7	2.0	<input type="checkbox"/> Increasing	<input type="checkbox"/> Stable	<input checked="" type="checkbox"/> Declining
Total # of Comparable Active Listings	52	24	27	<input checked="" type="checkbox"/> Declining	<input type="checkbox"/> Stable	<input type="checkbox"/> Increasing
Months of Housing Supply (Total Listings/Abs Rate)	8.4	8.9	13.5	<input checked="" type="checkbox"/> Declining	<input type="checkbox"/> Stable	<input type="checkbox"/> Increasing
Median Sale & List Price, DOM, Sale/List %	Prior 7-12 Months	Prior 4-6 Months	Current - 3 Months	Overall Trend		
Median Comparable Sale Price	234,990	200,000	180,000	<input type="checkbox"/> Increasing	<input type="checkbox"/> Stable	<input checked="" type="checkbox"/> Declining
Median Comparable Sales Days on Market	97	87	70	<input checked="" type="checkbox"/> Declining	<input type="checkbox"/> Stable	<input type="checkbox"/> Increasing
Median Comparable List Price	212,450	197,450	174,900	<input type="checkbox"/> Increasing	<input type="checkbox"/> Stable	<input checked="" type="checkbox"/> Declining
Median Comparable Listings Days on Market	105	69	73	<input checked="" type="checkbox"/> Declining	<input type="checkbox"/> Stable	<input type="checkbox"/> Increasing
Median Sale Price as % of List Price	111	101	103	<input type="checkbox"/> Increasing	<input checked="" type="checkbox"/> Stable	<input type="checkbox"/> Declining

Self-developer, builder, etc paid financial assistance provided? ☒ Yes ☐ No ☐ Declining ☒ Stable ☐ Increasing

Explain in detail the seller concessions/brands for the past 12 months (e.g., seller concessions increased from 3% to 5%, increasing use of buydowns, closing costs, condo fees, options, etc.). Seller concessions in the current market were ranging from 0-6%, with a median of 2%. Concessions prior 7-12 months median of 0%, 4-6 months median of 3%, current-3 months median of 3%.

Are foreclosure sales (REO sales) a factor in the market? ☒ Yes ☐ No If yes, explain (including the trends in listings and sales of foreclosed properties). 12 months prior to the effective date of the Appraisal report, out of 51 comparable sales, 60% were listed as bank owned/short sales and out of 37 comparable listings, 78% were listed as bank owned/short sales. There are currently 37 comparable homes listed for sale, 12 are in contract and 26 are listed as vacant in the subject's market area.

Cite data sources for above information: MLS/C Clark County Assessor

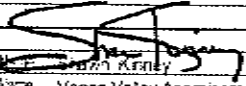
Summarize the above information as support for your conclusions in the Neighborhood section of the appraisal report form. If you used any additional information, such as an analysis of pending sales and/or expired and withdrawn listings, to formulate your conclusions, provide both an explanation and support for your conclusions. The subject's market area declined approx. 23.6% from 04/2008-02/2009 based on a value trend of comparable properties. New construction activity has slowed as REO properties increased in the market. Out of the 12 pending comparable sales 8 were listed as bank owned/short sale properties.

If the subject is a unit in a condominium or cooperative project, complete the following:

Project Name:	Prior 7-12 Months	Prior 4-6 Months	Current - 3 Months	Overall Trend		
Subject Project Data						
Total # of Comparable Sales (Setback)				<input type="checkbox"/> Increasing	<input type="checkbox"/> Stable	<input type="checkbox"/> Declining
Absorption Rate (Total Sales/Months)				<input type="checkbox"/> Increasing	<input type="checkbox"/> Stable	<input type="checkbox"/> Declining
Total # of Active Comparable Listings				<input type="checkbox"/> Declining	<input type="checkbox"/> Stable	<input type="checkbox"/> Increasing
Months of Housing Supply (Total Listings/Abs Rate)				<input type="checkbox"/> Declining	<input type="checkbox"/> Stable	<input type="checkbox"/> Increasing

Are foreclosure sales (REO sales) a factor in the project? ☐ Yes ☐ No If yes, indicate the number of REO listings and explain the trends in listings and sales of foreclosed properties.

Summarize the above trends and address the impact on the subject unit and project.

Signature:  Signature: _____

Appraiser Name: Shawn M. Kelley Supervisory Appraiser Name: _____

Company Name: Vegas Valley Appraisers Company Name: _____

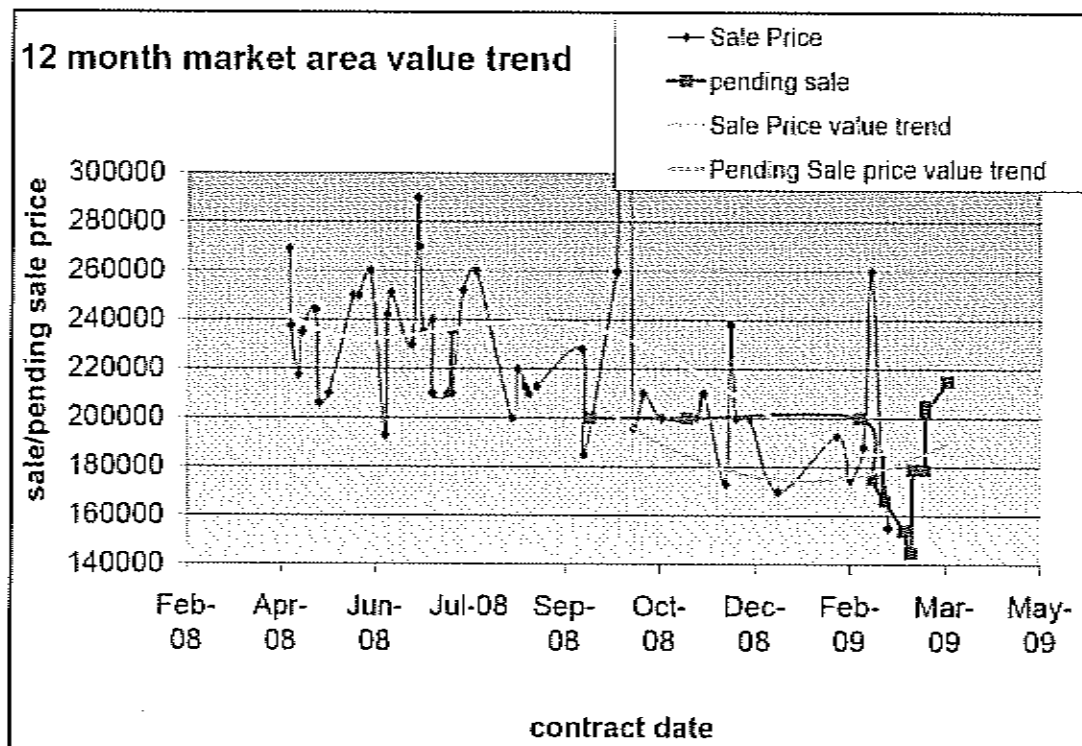
Company Address: 5604 Distant Drum, North Las Vegas, NV 89081 Company Address: _____

State License/Certification #: A0007562-CR State: NV State License/Certification #: _____

Email Address: shawn@vegasvalleyappraisers.com Email Address: _____

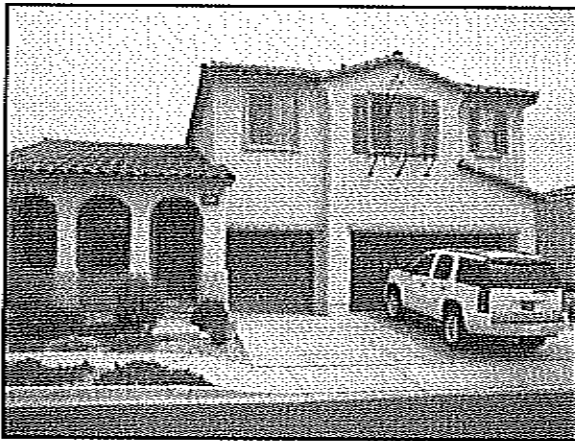
12 Month Market Area Value Trend(Comparable Properties)

BotZAS	wa				
Property Address	6612 Rolling Boulder Street				
City	Las Vegas	County	Clerk	State	NV
Zip Code	89149-1549				
Agent	Maria & Jose Pina				



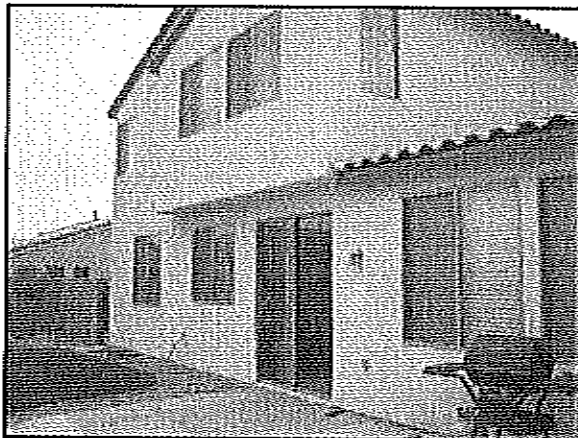
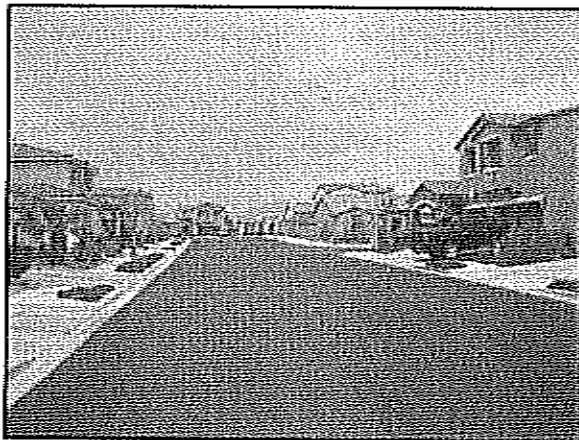
Subject Photo Page

Borough	n/a				
Property Address	6812 Rolling Boulder Street				
City	Las Vegas	County	Clark	State	NV
Zip Code	89149-1849				
Client	Maria & Jose Pina				

**Subject Front**

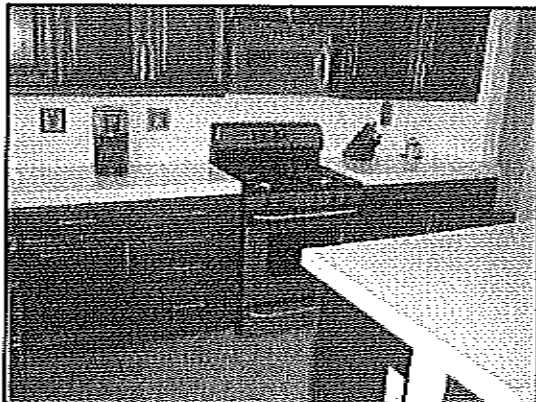
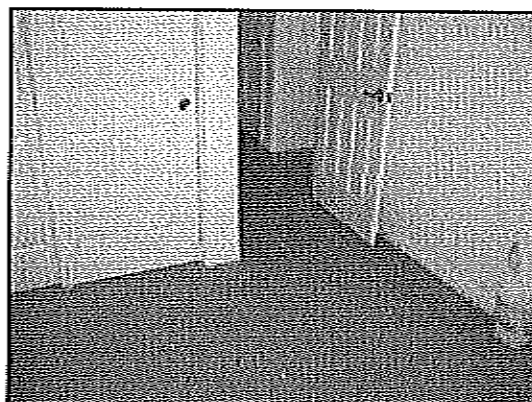
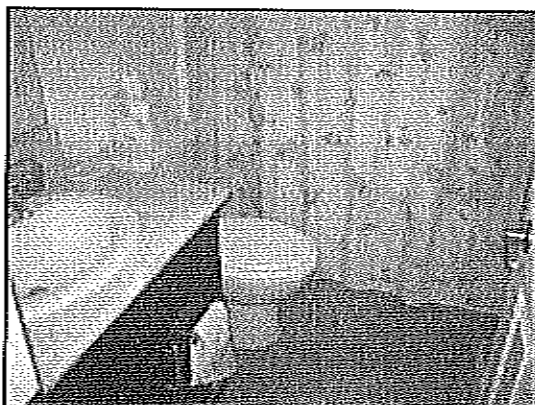
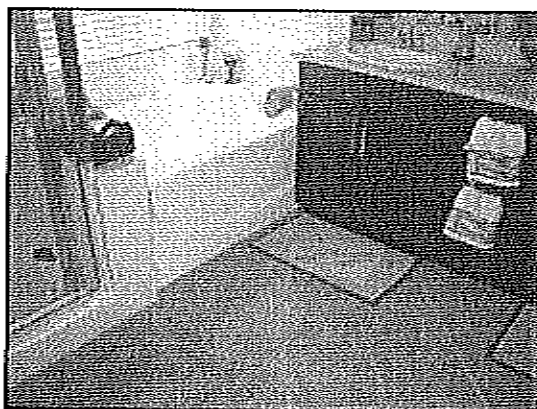
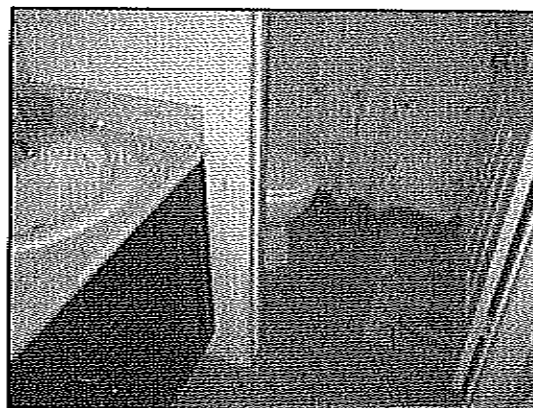
6812 Rolling Boulder Street:

Sales Price
 Gross Living Area 2,413
 Total Rooms 8
 Total Bedrooms 4
 Total Bathrooms 3
 Location average
 View neighborhood
 Size 0.14 Sft. +/-
 Quality average
 Age 3

**Subject Rear****Subject Street**

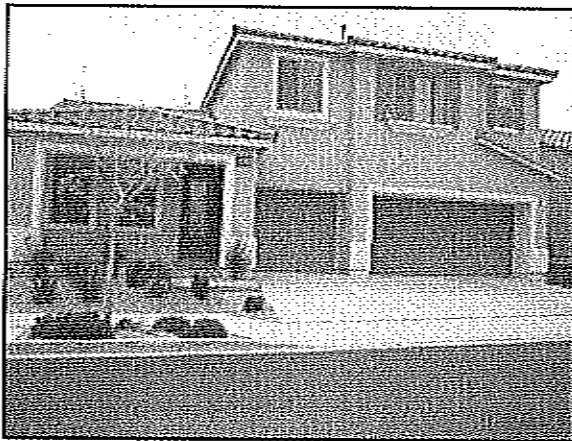
Photograph Addendum

Estimate	n/a				
Property Address	6812 Rolling Boulder Street				
City	Las Vegas	County	Clerk	State	NV Zip Code 89149-1549
Client	Maria & Jose Pina				

**kitchen****bedroom****bathroom****living room****bathroom****bathroom**

Comparable Photos #1-3

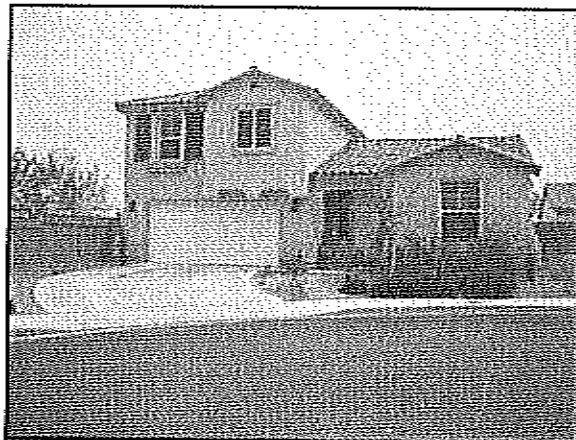
Broker	n/a				
Property Address	6612 Rolling Boulder Street				
City	Las Vegas	County	Clark	State	NV
Zip Code	89149-1649				
Client	Maria & Jose Pina				

**Comparable 1**

6623 Rolling Boulder Street
 Prox. to Subject 0.03 miles N
 Sales Price 238,000
 Gross Living Area 2,419
 Total Rooms 6
 Total Bedrooms 4
 Total Bathrooms 3
 Location average
 View neighborhood
 Site 0.11 acres +/-
 Quality average
 Age 3

**Comparable 2**

9405 Hillside View Court
 Prox. to Subject 0.16 miles NE
 Sales Price 177,000
 Gross Living Area 2,419
 Total Rooms 8
 Total Bedrooms 4
 Total Bathrooms 3
 Location average
 View neighborhood
 Site 0.11 acres +/-
 Quality average
 Age 3

**Comparable 3**

9211 Horseshoe Basin Avenue
 Prox. to Subject 0.42 miles NE
 Sales Price 175,000
 Gross Living Area 2,308
 Total Rooms 7
 Total Bedrooms 4
 Total Bathrooms 3
 Location average
 View neighborhood
 Site 0.12 acres +/-
 Quality average
 Age 4

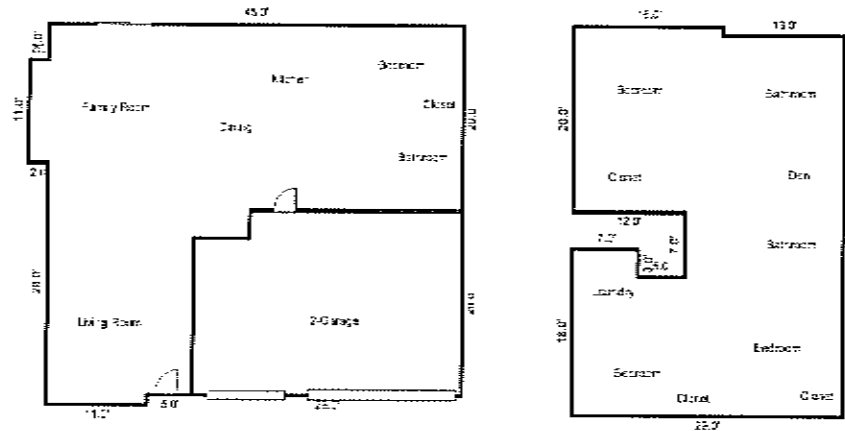
Plat Map

Parcel	NA						
Property Address	6812 Rolling Boulder Street						
City	Las Vegas	Court	Clark	Size	NV	Zo Code	69149-1649
Client	Mara & Jose Pina						

	55	55	55	56	57	57	57	57
<i>TOWN CENTER ASSEMBLAGE</i>								
047	048	049	050	051	052	053	054	055
47	48	49	50	51	52	53	54	55
65								72
064	063	062	061	060	059	058	057	056
64	63	62	61	60	59	58	57	56
65	55	55	55	56	57	57	57	52

Building Sketch

Exemptions	N/A			
Property Address	6512 Rolling Boulder Street			
City	Las Vegas	County	Clark	State NV Zip Code 89149-1649
Client	Maria & Jose Pina			



S:\VVA101

Comments

AREA CALCULATIONS SUMMARY			
Code	Description	Net Size	Net Totals
GLA1	First Floor	1271.0	1271.0
GLA2	Second Floor	1142.0	1142.0
GAR	Garage	562.0	562.0
Net Livable Area (Rounded)			2413

LIVING AREA BREAKDOWN		
Breakdown		Subtotals
First Floor		
2.0 x	11.0	22.0
16.0 x	40.0	640.0
8.0 x	23.0	184.0
1.0 x	11.0	11.0
20.0 x	23.0	460.0
Second Floor		
15.0 x	29.0	435.0
17.0 x	25.0	425.0
3.0 x	7.0	21.0
12.0 x	19.0	228.0
1.0 x	16.0	16.0
10 Items (Rounded)		2413

Shawn Kreezy

File No: VVA101 Page #14

FROM: Vegas Valley Appraisers 5604 Distant Drum Road North Las Vegas, NV 89031 Telephone Number: 702-951-7573 Fax Number: 702-951-5579		<h1>INVOICE</h1> <table border="1"> <tr><td>INVOICE NUMBER</td></tr> <tr><td>VVA101</td></tr> <tr><td>DATE</td></tr> <tr><td>04/14/2009</td></tr> <tr><td>REFERENCE</td></tr> <tr><td>Internal Order #: VVA101</td></tr> <tr><td>Lender Case #:</td></tr> <tr><td>Client File #:</td></tr> <tr><td>Main File # on form: VVA101</td></tr> <tr><td>Other File # on form:</td></tr> <tr><td>Federal Tax ID:</td></tr> <tr><td>Employer ID:</td></tr> </table>		INVOICE NUMBER	VVA101	DATE	04/14/2009	REFERENCE	Internal Order #: VVA101	Lender Case #:	Client File #:	Main File # on form: VVA101	Other File # on form:	Federal Tax ID:	Employer ID:
INVOICE NUMBER															
VVA101															
DATE															
04/14/2009															
REFERENCE															
Internal Order #: VVA101															
Lender Case #:															
Client File #:															
Main File # on form: VVA101															
Other File # on form:															
Federal Tax ID:															
Employer ID:															
TO: Maria Pina Maria & Jose Pina 6812 Rolling Boulder Street Las Vegas, NV 89149-1649 Telephone Number: Fax Number: Alternate Number: E-Mail:															
DESCRIPTION Lender: n/a Client: Maria & Jose Pina Purchaser/Borrower: n/a Property Address: 6812 Rolling Boulder Street City: Las Vegas County: Clark State: NV Zip: 89149-1649 Legal Description: Town Center Assemblage RFD5 55 #3 Plat Book 122 Page 23 Lot 50 Block 2															
FEES		AMOUNT													
GP form		250.00													
SUBTOTAL		250.00													
PAYMENTS		AMOUNT													
Check #:	Date: 04/14/2009	Description: paid in full	250.00												
Check #:	Date:	Description:													
Check #:	Date:	Description:													
SUBTOTAL		250.00													
TOTAL DUE		\$ 0													

Please Return This Order With Your Payment

FROM: Maria Pina Maria & Jose Pina 6812 Rolling Boulder Street Las Vegas, NV 89149-1649 Telephone Number: Fax Number: Alternate Number: E-Mail:	
TO: Vegas Valley Appraisers 5604 Distant Drum Road North Las Vegas, NV 89031	

AMOUNT DUE: \$ _____

AMOUNT ENCLOSED: \$ _____

INVOICE NUMBER
VVA101
DATE
04/14/2009
REFERENCE
Internal Order #: VVA101
Lender Case #:
Client File #:
Main File # on form: VVA101
Other File # on form:
Federal Tax ID:
Employer ID:

Randal R. Leonard, Esq.
Nevada Bar No. 006716
500 South 8th Street
Las Vegas, NV 89101
(702) 598-3667
Attorney for Debtors

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:

Case No.: BK-S-09-17787-BAM

JOSE L. PINA;

Chapter 13

MARIA L. PINA,

NOTICE OF MOTION TO AVOID LIEN

Debtors.

Hearing Date: August 6, 2009

Hearing Time: 3:30 p.m.

TO: ALL PARTIES IN INTEREST

NOTICE IS HEREBY GIVEN that a **MOTION TO AVOID LIENS** was filed herein on June 26, 2009, by Randal R. Leonard, Esq. The hearing seeks to avoid liens.

NOTICE IS FURTHER GIVEN that if you do not want the court to grant the relief sought in the Motion, or if you want the court to consider your views on the Motion, then you must file an opposition with the court, and serve a copy on the person making the Motion *no later than 15 days* after the date of this Notice. If the hearing date has been set on less than 15 days' notice, then the opposition must be filed and served *no later than 5 business days* before the hearing. The opposition must state your position, set forth all relevant facts and legal authority, and be supported by affidavits or declarations that conform to Local Rule 9014(c).

If you object to the relief requested, you *must* file a **WRITTEN** response to this pleading with the court. You must also serve your written response on the person who sent you this notice.

If you do not file a written response with the court, or if you do not serve your written response on the person who sent you this notice, then:

- The court may *refuse to allow you to speak* at the scheduled hearing; and
- The court may *rule against you* without formally calling the matter at the hearing.

CERTIFICATE OF SERVICE

I hereby certify that on the 26th. day of June, 2009, I sent via electronic means, and or first class mail, postage pre-paid, the foregoing **NOTICE OF MOTION & MOTION TO AVOID LIEN**, to the following:

RICK A. YARNALL, TRUSTEE
701 BRIDGER AVE., #820
LAS VEGAS, NV 89101

HON. JUDGE MARKELL
U.S BANKRUPTCY COURT
ATTN: COURT CLERK
300 LAS VEGAS BLVD., SOUTH
FOURTH FLOOR
LAS VEGAS, NV 89101

BENEFICIAL
BANKRUPTCY DEPARTMENT
PO BOX 5233
CAROL STREAM, IL 60197-5233



Statement for
**JOSE PINA &
 MARIA PINA**
 Account Number
0016416794

Statement Date	Mar 19, 2009
Payment Due	\$8,718.93
Payment Due Date	Apr 05, 2009
Beneficial Branch 702-385-0855 7035 WEST ANN RD. RIO VISTA PLAZA STE. 160 LAS VEGAS NV 89130	Customer Service 800-365-0175 Website WWW.BENEFICIAL.COM

11/21/2008

To avoid late charges we must receive your payment by 04/15/09 during business hours.

Payment Detail

Your payment due 04/05/09

Principal & Interest	815.57
Standard Payment	815.57
Past Due Amount	7,340.13
Unpaid Late Charges	538.23
Other Fees & Adv	25.00
Payment Due	\$8,718.93

Account Summary

Summary as of 03/19/09

Balances Owed	
Principal Balance ¹	81,966.30

¹ Your Principal Balance is not a payoff amount. To receive information on paying off your loan, please call us at 800-957-0003 or visit www.beneficial.com.

asks. Therefore,
 West Craig Road,
 Vegas², effective

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Recent Activity

Account activity since last statement

Date	Description	Total Amount	Principal	Interest	Total Escrow	Advance	Insurance Premium	Late Charge	Other Fees	Unapplied Funds
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Page 1 of 2

STM T23EE (11/08)

Payment Coupon

Make checks payable to: Beneficial
 Always write your account number on your check.

Account Number: 0016416794
 Payment Due Date: Apr 05, 2009
 Payment Due: \$8,718.93

Enclose this coupon with your payment.

red by law to

Please check here for change of address & complete other side

Amount Enclosed: \$

JOSE PINA
 MARIA PINA
 6812 ROLLING BOULDER
 LAS VEGAS, NV 89149-1649

Beneficial
 P.O. Box 5233
 Carol Stream, IL 60197-5233



840 0016416794 0876786 0871893